ENVIRONMENTAL ACTION STATEMENT SCREENING FORM FOR PROGRAMMATIC SAFE HARBOR AGREEMENT BENEFITING LAHONTAN CUTTHROAT TROUT ON PRIVATE LANDS

I. Project Information

A. Project name:

Safe Harbor Agreement for Voluntary Enhancement/Restoration Activities Benefiting Lahontan Cutthroat Trout on Non-Federal Lands Within the Upper Humboldt River Distinct Population Segment Area.

B. Affected species:

Lahontan cutthroat trout (LCT; *Oncorhynchus clarki henshawi*)

C. Project size (in acres):

Private lands within the Upper Humboldt River Area are listed in Table 1 by subbasin. It is estimated that a total of 1.5 million acres of land within the Humboldt DPS Area is under the control of individual landowners (see map below). Of this amount, an estimated 45,000 acres or 3% of total private acres could potentially be affected by the SHA.

Table 1. Estimate acreage of private lands which may qualify for inclusion in the proposed Humboldt River SHA (not including lands within the Interior Basin).

Subbasin	Non-federal lands[a]	Affected area[b]	%
East Humboldt River Area	351,360	2,357	0.7
Marys River	63,054	6,930	11.0
Maggie Creek	264,266	10,390	3.9
North Fork Humboldt River	169,790	8,871	5.2
Pine Creek	109,750	1,662	1.5
Rock Creek	215,873	8,961	4.2
Reese River	190,388	329	0.2
South Fork Humboldt River	209,993	3,655	1.7
South Fork Little Humboldt River	20,512	1,719	8.4
TOTAL:	**1,594,987**	**44,875**	**2.8**

[a] Estimated using Geographic Information System (GIS) coverages provided by NDOW for individual subbasins.

[b] Defined as the area of non-federal lands within a 100 meter buffer of streams (each side) in designated LCT habitats (priority, potential, and isolated) as determined by the Humboldt DPS Team and described in Elliot and Layton 2005.

D. Brief project description including conservation elements of the plan:

The project (Federal Action) is the issuance of an Enhancement of Survival Permit (Permit) associated with a Safe Harbor Agreement (SHA) between the U.S. Fish and Wildlife Service (Service) and Nevada Department of Wildlife (NDOW; Permittee). The purpose of this SHA is to maintain/enhance/recover LCT populations and habitats on enrolled properties in the Upper Humboldt River Distinct Population Segment and portions of the Interior Basin important for LCT management (Humboldt DPS Area). Under this 50-year SHA, the Permittee will enroll willing private landowners (Cooperators) in Cooperative Agreements (CAs) and Certificates of Inclusion (CIs) to enhance recovery activities and strategies for LCT on enrolled lands. CAs will describe agreed-upon conservation measures for a period no less than ten years from the time of enrollment.

When signed, this SHA will serve as the basis for the Permit under section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (Act) for the incidental take of LCT. The Safe Harbor program encourages proactive conservation measures by non-Federal landowners while providing them certainty that future property-use restrictions will not be imposed if those efforts attract LCT to their enrolled property or result in increased numbers or distributions of LCT already present. In return for voluntary conservation commitments, the SHA will extend assurances to the landowner that will allow future alteration or modification of the enrolled property to its established baseline condition. Without this cooperative government/private effort, LCT would not occupy important recovery habitats in the foreseeable future.

A large percentage of the existing LCT populations and designated recovery streams within the Humboldt DPS area occur on private lands somewhere within their perennial reach. Efforts to recover this species without involving and incorporating these private lands and landowners would limit our ability to make measurable progress towards LCT recovery. Therefore, NDOW intends to enroll any private landowners in CAs who are willing to allow the reintroduction or expansion of LCT within their private lands and waters. These CAs will offer protections and assurances to allow for inadvertent takings of LCT for individuals who agree to provide voluntary conservation benefits to the species within their private holdings.

Conservation measures that may be implemented on enrolled properties to assist with the recovery of LCT can be as varied as the types of lands and landowner. While many possible conservation measures exist for each management action, all possible measures can not be anticipated. Each cooperator will not be expected to implement the full set of measures. The conservation measures to be implemented will be specific to each individual's baseline, habitat conditions, and management needs. The overall goal of the SHA will be to produce conservation measures that are mutually beneficial to the cooperator and the long-term existence of LCT.

The conservation measures associated with this SHA will contribute, directly and/or indirectly, to recovery of LCT. Private lands comprise only a small portion of the stream habitats within the recovery stream systems. However, LCT use private land areas to access many miles of publicly-owned stream habitats. These private lands encompass streams needed for isolated populations as well as networked populations. Currently, LCT are found primarily in isolated streams on public lands because private landowners are reluctant to participate in activities that will benefit LCT due to fear of regulatory impacts from having a threatened species on their land. Having landowners participate in this SHA will open areas to reintroduction, expansion, and preservation of LCT populations needed to ensure the genetic viability of the species. It will also help to implement networked populations and increase numbers of LCT for use in stocking networked populations. Private lands will be needed for LCT spawning areas, migration corridors, and healthy population dynamics within the networked areas.

II. Does the SHA fit the criteria as described in the SHA policy (meet the standard of "net conservation benefit" and contribute to recovery) **?**

Yes. The SHA follows the Service's Safe Harbor Agreement final policy and regulations. The SHA enhances both the reintroduction and recovery of LCT by encouraging private landowners to voluntarily create, enhance, maintain, or restore LCT habitat. Recovery of LCT is highly dependent on networked populations. Networked populations use interconnected streams through with they can move freely. Enrolling private landowners and their lands creates opportunities for LCT to utilize private lands and adjacent federal lands currently unavailable to them. The potential private lands contribute approximately 45,000 acres of riparian habitat and create opportunities for utilizing many additional stream miles. Once LCT are established within networked populations, recovery will be achieved more quickly.

Implementation of this SHA is expected to result in increased numbers of LCT or amount of habitat. If all the landowners return their property to baseline conditions after 50 years, which is not expected, populations will still exist within public lands that have become linked due to conservation activities, and in private lands that serve as migration corridors, spawning habitat, and over wintering habitat. Isolated populations that were part of the baseline will have been utilized for repopulating the networked areas, and will still exist. They will no longer need to be tapped for species recovery in other areas, and therefore will be more stable.

A. Are the effects of the SHA less than significant on the rangewide population of federally listed, proposed, or candidate species or other wildlife and their habitats covered under the SHA?

Yes. Other species that could be affected in the Humboldt DPS area include:

Yellow-billed cuckoo (*Coccyzus americanus)*; Candidate
Bald eagle (*Haliaeetus leucocephalus*), Threatened
Columbia spotted frog (*Rana luteiventris*), Candidate

The potential effects of implementing this SHA are expected to be less than significant on the range-wide population of yellow-billed cuckoo and bald eagle which are rare in the area and are terrestrial species. Although Columbia spotted frog inhabit aquatic stream systems, the effects of the SHA on the range-wide population are expected to be nominal because there is little distributional overlap.

B. Are the effects of the SHA minor or negligible on other environmental values or resources (e.g. air quality, geology and soils, water quality and quantity, socio-economic, cultural resources, recreation, visual resources, etc.)?

Yes. Effects to air quality are expected to be negligible because livestock, agricultural management, and other land uses and associated maintenance and use of the Permittees' houses and other facilities are expected to occur regardless of approval/implementation of the proposed SHA and issuance of the Permit.

Effects to geology and soils are expected are expected to be minor since livestock and agricultural management actions, and other land uses and associated maintenance are expected to occur regardless of approval and implementation of the proposed SHA and issuance of the Permit. Additionally, streambank stability is expected to improve in areas that undergo riparian restoration.

Effects to water quality and quantity are expected to be minor or negligible because livestock, agricultural management actions, other land uses and associated maintenance are expected to occur regardless of approval of the proposed SHA and issuance of the permit. Some improvement to water quality and quantity is expected in areas identified for conservation actions to improve stream form, function, or riparian vegetation. However, this effect will be localized.

Socio-economic resource effects from this SHA are expected to be negligible because livestock, agricultural management, and other land uses and associated maintenance and use of the Permittee's houses and other facilities are expected to occur regardless of approval and implementation of the proposed SHA and issuance of the Permit, or beneficial as the SHA facilitates the healthy riparian and stream conditions with a relatively higher value and would likely increased the value of the property.

Impacts to historic and cultural resources from approval of the SHA are expected to be negligible because livestock, agricultural management, and other land uses and associated maintenance and use of the Permittees' houses and other facilities is

expected to occur regardless of approval and implementation of the proposed SHA and issuance of the Permit.

Effects to recreation are expected to be negligible since the proposed action is restricted to private land and these lands are not open to public recreation. In addition, livestock, agricultural management, and other land uses and associated maintenance, including the use of the Permittee's houses and other facilities, is expected to occur regardless of approval and implementation of the proposed SHA and issuance of the Permit.

Effects to visual resources are expected to be negligible because livestock, agricultural management, and other land uses and associated maintenance, including the use of the Permittee's houses and other facilities, are expected to occur regardless of approval and implementation of the proposed SHA and issuance of the Permit.

C. Would the impacts of this SHA, considered together with the impacts of other past, present and reasonably foreseeable similarly situated projects <u>not</u> result, over time, in cumulative effects to environmental values or resources which would be considered significant?

Yes. Significant cumulative effects are not expected to occur as a result of the SHA and issuance of the Permit. Although beneficial effects to both LCT habitat and populations are expected because of activities being permitted, these effects will only occur on non-Federal lands. The amount of public land that will be opened up to LCT from reintroductions into non-Federal lands will boost recovery of the species. Federal regulations, such as section 7 consultation, NEPA, etc., will apply on public lands.

III. Do any of the exceptions to categorical exclusions apply to this SHA? (from 516 DM 2.3, Appendix 2)

Would implementation of the SHA:

A. Have significant adverse effects on public health or safety?

No. Implementation of the proposed SHA would not have significant adverse effects on public health or safety as conservation measures would be restricted to private lands. Moreover, the management associated with various land uses (e.g., livestock, agriculture) and associated maintenance are expected to occur regardless of approval and implementation of the proposed SHA and issuance of the Permit.

B. Have adverse effects on such unique geographic characteristics as historic or cultural resources, park, recreation or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands,

wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks?

No. Implementation of the proposed SHA would not have significant adverse effects on unique geographic characteristics as conservation measures would be restricted to private lands. The conservation measures are intended to improve riparian and stream habitat conditions for LCT, which will have beneficial effects for nearby geographic features. Additionally, livestock agricultural management actions, other land uses and associated maintenance on the private are expected to occur regardless of approval and implementation of the proposed SHA and issuance of the Permit.

C. Have highly controversial environmental effects?

No. Approval and implementation of the proposed SHA and issuance of the Permit is not expected to generate highly controversial environmental effects because the conservation measures are intended to improve riparian and stream habitat conditions for LCT, which would have beneficial effects to the environment.

D. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?

No. Approval and implementation of the proposed SHA and issuance of the Permit would not pose highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. The relations between conservation measures and habitat responses are well understood and are expected to result in benefits to the environment.

E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?

No. Future actions would be reviewed on their own merits for meeting requirements under the Act, its implementing regulations, and other laws. Effects from approval of the proposed SHA are minor or negligible, therefore, would not represent a decision in principle about future actions with potentially significant environmental effects.

F. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects?

No. Approval and implementation of the SHA is not directly related to other actions with significant cumulative environmental effects.

G. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places?

No. The amount of land that may be impacted by the proposed SHA is small compared to the amount of land found within the Humboldt DPS area because it only affects riparian miles privately owned. Additionally, the listed conservation measures primarily involve the promotion of healthy riparian and stream habitats. With few exceptions, land disturbance activities would not occur. Lastly, the Permittee has the expertise and training to conduct surveys to determine compliance with National Historic Preservation Act.

H. Have adverse effects on listed or proposed species, or have adverse effects on designated Critical Habitat for these species?

No. Potential effects of implementing this SHA are not expected to have adverse effects on listed or proposed species because the activities are designed to benefit stream or riparian habitats. Furthermore, no Critical Habitat exists in the Upper Humboldt River DPS area.

I. Have adverse effects on wetlands, floodplains or be considered a water development project thus requiring compliance with either Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act?

No. Potential effects of implementing this proposed SHA are not expected to have adverse effects on wetlands or floodplains and no activities associated with the proposed SHA are considered to be a water development project. The listed conservation measures are expected to benefit these environments.

J. Threaten to violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment?

No. Approval and implementation of this SHA will be in accordance with all applicable laws. A specific condition of the Permit will be that it is carried out in accordance with all applicable federal, state, local, or tribal laws.

IV. ENVIRONMENTAL ACTION STATEMENT

Based on the analysis above, the Safe Harbor Agreement for Voluntary Enhancement/Restoration Activities Benefiting Lahontan Cutthroat Trout on Non-Federal Lands Within the upper Humboldt River Distinct Population Segment Area Project meets the qualifications for implementation of a Safe Harbor Agreement that represents a class of actions that do not individually or cumulatively have a significant effect on the human environment. Therefore, this action is categorically excluded from further NEPA documentation as provided by 516 DM 2, Appendix 1 and 516 DM 6, Appendix 1.

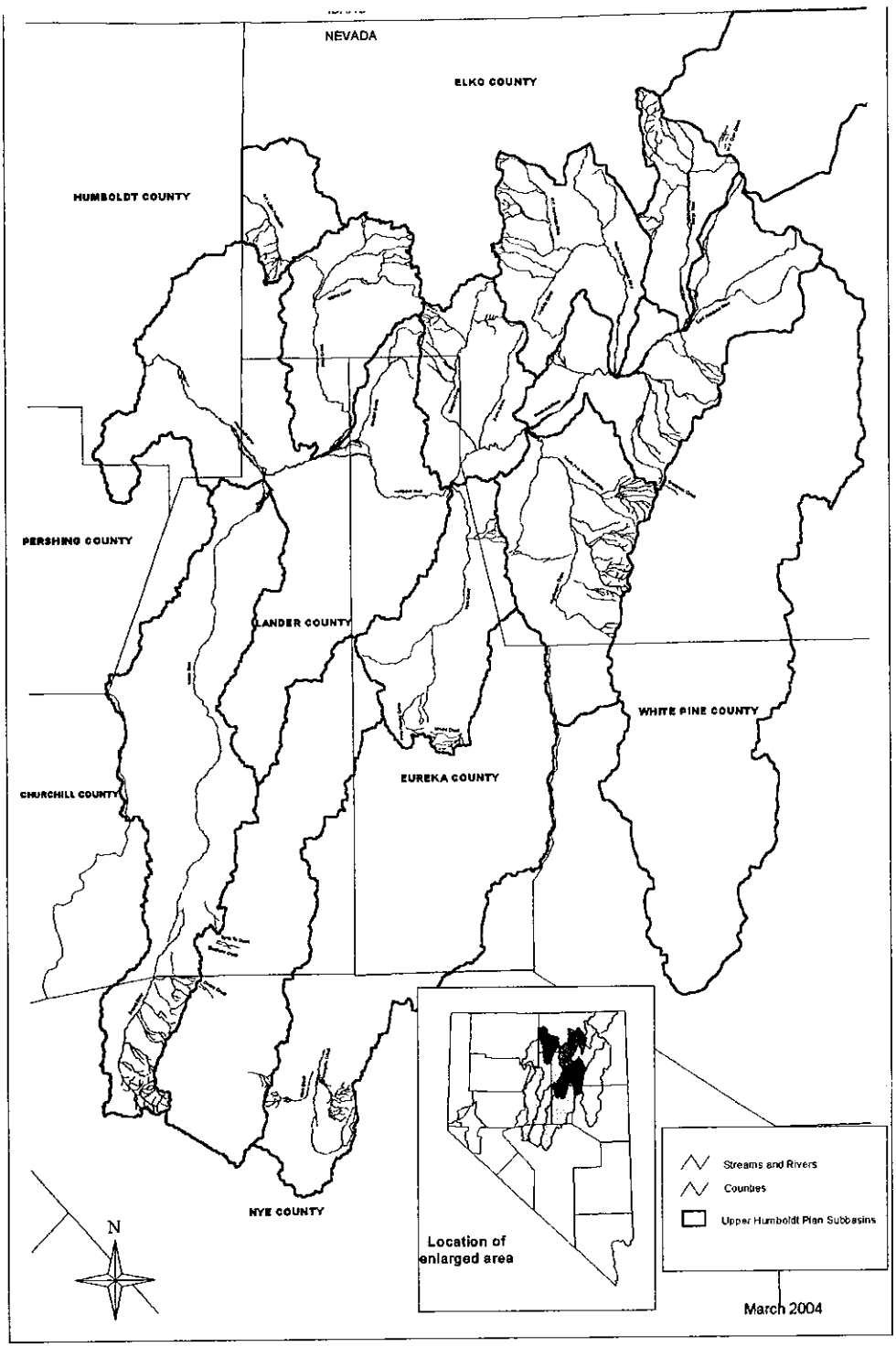
Other supporting documents (list): Safe Harbor Agreement.

Concurrence:

Field Supervisor

4-10-06
Date

Map of the Humboldt DPS Area.



Source: Elliot and Layton 2005.